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09/759,116	01/11/2001	Ian Andrew Bell	EVC00-003	9875

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EXAMINER	
CHOW, MING	
ART UNIT	**PAPER NUMBER**
2645	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,116	BELL, IAN ANDREW	
	Examiner	Art Unit	
	Ming Chow	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-17,19-25,31,33 and 34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-17,19-25,31,33 and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Claims 1, 12, 13, 19, 20, 31 recite "said multiple types of communications" (line 7). There is insufficient antecedent basis for this limitation in the claim.

2. Claim 12 recites "said second message-indicating device" (line 5). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase "initiating said first wireless signal to said second message-indicating device; wherein in response to said first signal, said indicator of said first device and said alarm of said second device activate to alert the user" is not disclosed by the specification. The specification disclosed a first signal to activate and a second signal to deactivate the alert. The specification did not support that the same first signal is sent to the first device and also sent to the second device. Also, the specification did not disclose "in response to the first signal, (both) indicator of the first device and the alarm of the second device are activated. The amended limitations are not obvious to one skilled in the art in view of the disclosed specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5, 8, 9, 12-15, 17, 19-21, 24, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al (US: 6630883), and in view of Neustein (US: 6418305), and further in view of Beyda et al (US: 6556666).

For claims 1, 8, 9, 12, 19, 31, Amin et al teach on item 10 Fig. 2 message-indicating device. Amin et al teach on column 1 line 44-47 registering the message-indicating device before a message notification can be forwarded.

Amin et al failed to teach "registering said second message-indicating device for activation in response to receipt of one of said multiple types of communications". The current specification discloses, on line 21-25 page 9, the user may, upon receipt of the NWID, access a web site of the organization to register and configure the NWID. The "registration", per current specification disclosure, is a human being behavior. Therefore, "Official Notice" is taken that "registering a device with a service provider (e.g., a telephone company) at any time or in response to any event" is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the "registering said second message-indicating device for activation in response to receipt of one of said multiple types of communications" such that the modified system of Amin et al would be able to support the system users conveniences of registering the message-indication device at any time.

Amin et al teach on column 1 line 42-45 receiving a message notification indicating a message, such as an e-mail, a voice-mail, or a facsimile, is stored within the subscriber's mailbox. Amin et al teach on item 19 Fig. 2 telephone, item 104 Fig. 2 computer, and column 5 line 66-67 facsimile machine (claimed "a communication device associated with the user").

Amin et al teach on column 3 line 45-52 the message-indicating device can be a IS-136 based cellular telephone, a cordless telephone, or a wireless pager. Amin et al teach on column 1 line 50-55 message notification is forwarded to the wireless message-indication device (reads on claimed "initiating a first wireless signal").

Amin et al teach on item 10 Fig. 2 message-indicating device that is a separate device from the communication device.

Amin et al failed to teach "deactivating said indicator upon acknowledgement of said receipt of said communication by said user". However, Neustein teaches on column 14 line 10, "this feature automatically sets a 'voice message' indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved (reads on claimed "acknowledgement of receipt of said communication") by calling the central station". The "turn off" of Neustein is the claimed "deactivating".

It would have been obvious to one skilled at the time the invention was made to modify Amin et al in view of Neustein to have the "deactivating said indicator upon acknowledgement of said receipt of said communication by said user" as taught by Neustein such that the modified system of Amin et al would be able to support the system users conveniences of turning off the indicator.

Amin et al teach on column 1 line 55-58, the message notification cannot reach the subscriber. Amin et al failed to teach "registering a second message-indicating device", "initiating said first signal to said second message-indicating device", and "indicator of the first device and alarm of said second device activate". However, Beyda et al teach on Fig. 3A, 3B, when the user cannot be reached (see step 216) the notification message is sent (claimed

"initiating said first wireless signal to said second message-indicating device") by facsimile (step 220), or by an email (step 224), or by a page (step 232). Beyda et al teach on step 214 play notification message (claimed "indicator of first device activate") and all "yes' results of steps

Regarding claims 2, 14, Amin et al in view of Neustein and further in view of Beyda et al as stated in claim 1 above failed to teach initiating a second wireless signal to said device; wherein in response to said second signal said indicator deactivates. However, Neustein teaches on column 14 line 10, "this feature automatically sets a 'voice message' indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved by calling the central station". The "turn off" of Neustein is the claimed "deactivate". It is inherent that the transmitting station must initiate a (claimed "second") wireless signal to the pager (claimed "device") to turn off the indicator.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al in view of Neustein and further in view of Beyda et al to have the initiating a second wireless signal to said device; wherein in response to said second signal said indicator deactivates as taught by Neustein such that the modified system of Amin et al in view of Neustein and further in view of Beyda et al would be able to support the initiating a second wireless signal to said device; wherein in response to said second signal said indicator deactivates to the system users.

Regarding claims 3, 15, the modified system of Amin et al in view of Neustein and further in view of Beyda et al as stated in claim 2 above failed to teach second wireless signal is

initiated after the user accesses said first communication. However, Neustein teaches on column 14 line 10 "this feature automatically sets a 'voice message' indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved by calling the central station". The "voice message" of Neustein is the claimed "first communication".

It would have been obvious to one skilled at the time the invention was made to modify Amin et al in view of Neustein and further in view of Beyda et al to have the second wireless signal is initiated after the user accesses said first communication as taught by Neustein such that the modified system of Amin et al in view of Neustein and further in view of Beyda et al would be able to support the second wireless signal is initiated after the user accesses said first communication to the system users.

Regarding claim 5, Amin et al teach on column 9 line 67 to column 10 line 1-2, and column 10 line 34-35 the registration button is pressed by the user and the mobile ID, ESN, and land-line number uniquely identify the mobile station (reads on claimed "types of communication").

Regarding claims 13, 17, 20 and 21, all rejections as stated in claim 1 above apply.

Amin et al teach on column 1 line 42-45 receiving a message notification indicating a message, such as an e-mail, a voice-mail, or a facsimile, is stored within the subscriber's mailbox. Amin et al teach on item 19 Fig. 2 telephone, item 104 Fig. 2 computer, and column 5 line 66-67 facsimile machine (claimed "a communication device associated with the user").

Amin et al teach on column 3 line 45-52 the message-indicating device can be a IS-136 based cellular telephone, a cordless telephone, or a wireless pager. Amin et al teach on column 1 line 50-55 message notification is forwarded to the wireless message-indication device (reads on claimed "initiating a first wireless signal").

Amin et al teach on item 10 Fig. 2 message-indicating device that is a separate device from the communication device.

The "message notification" as taught by Amin et al is the claimed "alert".

Amin et al failed to teach "deactivate in response to a second signal". However, Neustein teaches on column 14 line 10 "this feature automatically sets a 'voice message' indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved by calling the central station". The "turned off" of Neustein is the claimed "deactivate". It is inherent that the transmitting station must initiate a (claimed "second") wireless signal to the pager (claimed "device") to turn off the indicator.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al in view of Neustein and further in view of Beyda et al to have the after said providing, automatically initiating a second electronic signal to said first message-waiting device, wherein said second electronic signal is configured to deactivate said indicator as taught by Neustein such that the modified system of Amin et al in view of Neustein and further in view of Beyda et al would be able to support the after said providing, automatically initiating a second electronic signal to said first message-waiting device, wherein said second electronic signal is configured to deactivate said indicator to the system users.

Regarding claim 24, Amin et al teach on column 5 line 30-32 a display to display the notification.

5. Claims 4, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 1 above, and in view of Neustein and further in view of Beyda et al and further in view of Schull et al (US: 5363431).

Amin et al in view of Neustein and further in view of Beyda et al as stated in claim 1 above failed to teach indicator deactivates in response to manipulation of the device by the user. However, Schull et al teach on column 5 line 66 "a subscriber location after retrieving any waiting message can then activate the button and deactivate the indicator". The "activate the button" of Schull is the claimed "manipulation".

It would have been obvious to one skilled at the time the invention was made to modify Amin et al in view of Neustein and further in view of Beyda et al to have the indicator deactivates in response to manipulation of the device by the user as taught by Schull et al such that the modified system of Amin et al in view of Neustein and further in view of Beyda et al would be able to support the indicator deactivates in response to manipulation of the device by the user to the system users.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 1 above, and in view of Neustein and further in view of Beyda et al and further in view of Houggy et al (US: 5838226).

Amin et al in view of Neustein and further in view of Beyda et al as stated in claim 1 above failed to teach registering a second message-indicating device for the user; and initiating said first signal to said second device when said first signal is initiated to said first device. However, Houggy et al teach on column 38 line 36 "transmitting the first signal with the first device to each of the second devices at the same time".

It would have been obvious to one skilled at the time the invention was made to modify Amin et al in view of Neustein and further in view of Beyda et al to have the registering a second message-indicating device for the user; and initiating said first signal to said second device when said first signal is initiated to said first device as taught by Houggy et al such that the modified system of Amin et al in view of Neustein and further in view of Beyda et al would be able to support the registering a second message-indicating device for the user; and initiating said first signal to said second device when said first signal is initiated to said first device to the system users.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin as applied to claim 1 above, and in view of Neustein and further in view of Beyda et al and further in view of Homan et al (US: 6317485).

Amin et al in view of Neustein and further in view of Beyda et al as stated in claim 1 above failed to teach registering a second message-indicating device for the user; and initiating said first signal to said second device when notification of receipt of a second communication directed to the user is received, but not when said notification of said first communication is received. However, Homan et al teach on column 8 line 12 "the message store provider provides

the subscriber with a mechanism to identify which types of messages should trigger notification". The types of messages that do not trigger notification of Homan is the claimed "first communication". The types of messages that do trigger notification of Homan is the claimed "second communication". The "notification" of Homan is the claimed "first signal". Homan et al also teach on column 7 line 11 "additional sub-menu choices corresponding to the available notify choices: paging notify, outcall notify, e-mail notify, lamp notify, and stutter tone notify". The device of receiving notification of Homan is the claimed "second message-indicating device". It is inherent that the second message-indicating device must be registered for receiving the notification.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al in view of Neustein and further in view of Beyda et al to have the registering a second message-indicating device for the user; and initiating said first signal to said second device when notification of receipt of a second communication directed to the user is received, but not when said notification of said first communication is received as taught by Homan et al such that the modified system of Amin et al in view of Neustein and further in view of Beyda et al would be able to support the registering a second message-indicating device for the user; and initiating said first signal to said second device when notification of receipt of a second communication directed to the user is received, but not when said notification of said first communication is received to the system users.

8. Claims 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 20 above, and in view of Neustein and further in view of Beyda et al, Snyder (US: 5588038).

The modified system of Amin et al in view of Neustein and further in view of Beyda et al as stated in claim 20 above failed to teach "a switch configured to issue said second signal in response to user manipulation". However, Snyder teaches on column 4 line 5-13 a pager with a switch to issue a second signal.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al, Neustein, Beyda et al to have the "a switch configured to issue said second signal in response to user manipulation" as taught by Snyder such that the modified system of Amin et al, Neustein, Beyda et al would be able to support the switch to issue a second signal to the system users.

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 20 above, and in view of Neustein, Beyda et al, Swistock (US: 6389115).

The modified system of Amin et al in view of Neustein, Beyda et al as stated in claim 20 above failed to teach "said indicator is an audible indicator". However, Swistock teaches on column 4 line 2-5 a sound notification on a cell phone to indicate receipt of a voice mail.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al, Neustein, Beyda et al to have the "said indicator is an audible indicator" as taught by Swistock such that the modified system of Amin et al, Neustein, Beyda et al would be able to support the audible indicator to the system users.

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 31 above, and in view of Sundhar (US: 6201858).

Amin et al failed to teach "a second communication.....wherein said alarm.....wireless signal". However, Sundhar teaches on column 1 line 41-43 an indication is sent to all phones (reads on claimed "second device").

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the "a second communication.....wherein said alarm.....wireless signal" as taught by Sundhar such that the modified system of Amin et al would be able to support the first signal to activate both first and second device to the system users.

11. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 31 above, and in view of Amin (US: 6014559; hereafter Amin-559).

Amin et al failed to teach "a second.....wherein said.....wireless signal". However, Amin-559 teaches on column 7 line 9-12 different notification messages are sent to different MINs. In other words, the first signal for the first notification message does not activate the second device.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the "a second.....wherein said.....wireless signal" as taught by Amin-559 such that the modified system of Amin et al would be able to support the first signal for first notification does not activate the second device to the system users.

Response to Arguments

12. Applicant's arguments filed on 10/10/05 have been fully considered but they are not persuasive.

i) Applicant argues, on page 11-12, regarding 35 U.S.C. 112 rejections to claim 1. The rejectiuon is based on the reason that the signal sent to the first device and the signal sent to the second device are two different signal waves. Physically and electrically, these signals are two different signal pulses. The specification did NOT support the same first signal wave is sent ot the first device and also sent to the second device. It is not obvious to one skilled in the art implement a same signal wave shared by two different devices.

ii) New grounds rejections have been stated above and it lead this Office Action to be non-final.

Conclusion

13. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- US: 5987317.

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm--. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general mature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any inquiry of a general nature or relating to the status of this application or proceeding should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

Ming Chow